REMARKS

Claims 1, 3-8, 10, 12-15, 17-19, 21-24, 26-42, 44-45, 47-51 and 57-58 are pending in this application. Claims 26, 30 and 37 are amended herein, and claim 56 is cancelled without prejudice or disclaimer. Claim 11 has been allowed. No new matter has been added.

Rejections Under 35 U.S.C. §102(e)

Claims 26-27, 30, 37, 53 and 57-58 are rejected under 35 U.S.C. §102(e) as purportedly being anticipated by U.S. Published Application No. 2002/0156965 to Gusler et al ("Gusler"). Applicants respectfully traverse this rejection.

Applicants respectfully point out that rejected claim 53 was cancelled in the previous response, filed June 30, 2004.

A. Claims 26-27

As amended, claim 26 recites a method for use in a computer system having at least first and second backup storage systems to each storage backup data from at least one client. The method comprises an act of receiving information related to backup activities of the second backup storage system at the first backup storage system, wherein at least some of the backup data which is stored on the second backup storage system is not stored on the first backup storage system.

Gusler fails to disclose or suggest the limitations of amended claim 26. Gusler discloses a method for performing a network-based backup whereby a client creates a "backup image" of applications and data stored thereon (¶38). The client stores the backup image locally, so that periodically a server may retrieve the image (¶38). Upon retrieval, the server stores the backup image as a "seed file," which Gusler states may be used to restart the client if a backup image is not available on the client (¶39). Thus, the seed file stored on the server of Gusler is a copy of the data comprising the backup image on the client.

Applicants respectfully point out that the interpretation of Gusler espoused by the Office Action does not meet the limitations of previously pending claim 26. Specifically, in paragraph 2, the Office Action alleges that the backup image on the client of Gusler corresponds to the claimed first backup storage system, and the seed file on the server corresponds to the claimed

second backup storage system. However, the client of Gusler cannot be read as the claimed first backup storage system, because previously pending claim 26 requires that the first backup storage system (i.e., the client, according to the Office Action) receives information related to backup activities of the second backup storage system (i.e., the server, according to the Office Action). Gusler does not disclose or suggest a client which receives information related to backup activities of the server.

Amended claim 26 recites a first backup storage system which receives information related to backup activities of a second backup storage system, and further recites that at least some of the backup data stored on the second backup storage system is not stored on the first backup storage system. Gusler fails to meet the limitations of amended claim 26. Specifically, as discussed above, the client of Gusler cannot be read as the first backup storage system and the server of Gusler as the second backup storage system, because information related to the backup activities of the second backup storage system (server) is not received at the first backup storage system (client). Furthermore, the server of Gusler cannot be read as the first backup storage system and the client as the second backup storage system, because claim 26 requires that at least some of the backup data stored on the second backup storage system (client) is not stored on the first backup storage system (server). Gusler clearly discloses that the backup image stored on the client is stored as a seed file on the server (¶38). Indeed, this is the function for which the system of Gusler is designed. Thus, the server and client of Gusler cannot be read, respectively, as the first and second backup storage systems of claim 26.

In view of the foregoing, amended claim 26 distinguishes over Gusler, such that the rejection of claim 26 under 35 U.S.C. §102(e) over Gusler should be withdrawn. Claims 27 and 57-58 depend from claim 26, and are allowable for at least the same reasons.

B. Claim 30

Claim 30 recites a first backup storage system to store backup data from at least one first client, the first backup storage system for use in a computer system having a second backup storage system to store backup data from at least one second client. The first backup storage system comprises a first controller, coupled to the second backup storage system, to receive information related to backup activities of the second backup storage system, wherein at least

some of the backup data which is stored on the second backup storage system is not stored on the first backup storage system.

Gusler fails to meet the limitations of amended claim 30. As discussed above with reference to claim 26, the client of Gusler cannot be read as the first backup storage system and the server as the second backup storage system, because then Gusler does not meet the limitation of a first backup storage system comprising a first controller to receive information related to the backup activities of a second backup storage system, because the client of Gusler does not receive information related to backup activities of the server. Furthermore, the server of Gusler cannot be read as the first backup storage system and the client as the second backup storage system, because then Gusler does not meet the limitation that at least some of the backup data stored on the second backup storage system is not stored on the first backup storage system, as Gusler discloses that the backup image stored on the client is stored as the seed file on the server. Accordingly, claim 30 distinguishes over Gusler, and the rejection of claim 30 under 35 U.S.C. §102(e) over Gusler should be withdrawn.

C. Claim 37

As amended, claim 37 recites a computer readable medium encoded with a program for execution on a computer system that includes first and second backup storage systems coupled together, the first and second backup storage systems each storing backup data from at least one client, the program, when executed on the computer system, performing a method comprising an act of transferring information related to backup activities related to backup activities of the second backup storage system between the second backup storage system and the first backup storage system, wherein at least some of the backup data which is stored on the second backup storage system is not stored on the first backup storage system.

Gusler fails to meet the limitations of amended claim 37. As discussed above with reference to claim 26, the client of Gusler cannot be read as the first backup storage system and the server of Gusler as the second backup storage system, because then Gusler does not meet the limitation of transferring information related to the backup activities of a second backup storage system between the second backup storage system and the first backup storage system, because information related to backup activities of the server of Gusler is not transferred to the client.

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Furthermore, the server of Gusler cannot be read as the first backup storage system and the client as the second backup storage system, because then Gusler does not meet the limitation that at least some of the backup data stored on the second backup storage system is not stored on the first backup storage system, as Gusler discloses that the backup image stored on the client is stored as a seed file on the server. As a result, claim 37 distinguishes over Gusler, such the rejection of claim 37 under 35 U.S.C. 102(e) over Gusler should be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3-8, 10-15, 17-19, 21-24, 38-39, 31-36, 38-42, 44-45 and 47-51 are rejected under 35 U.S.C. §103(a) as being obvious over Gusler in view of purportedly well-known "multi-homing" techniques in a TCP/IP network, which are allegedly disclosed by U.S. Patent No. 6,751,674 to Satagopan et al ("Satagopan"). Applicants respectfully traverse this rejection.

The Office Action contends that FIG. 4 of Gusler discloses a plurality of backup storage systems including a first backup storage system (i.e., backup image/seed file 414) and a second backup storage system (i.e., backup file system 406). The Office Action also contends that because Gusler discloses that the system of FIG. 1 may include additional servers, clients or other devices (¶22), Gusler discloses a third backup storage system (i.e., a third client with respective backup storage) to store backup data from at least one client. The Office Action further contends that because Gusler discloses that communication may occur via TCP/IP (¶36), and that "it is well known in the art that" TCP/IP supports "multi-homing" whereby "a single machine may be located on multiple domains," it would have been obvious to employ multi-homing to establish a domain (Office Action, paragraph 3). The Office Action alleges that Satagopan "evidences" this purportedly well-known technique. On this basis, the Office Action concludes that a domain may be created in the system of Gusler, and that the domain could include at least first and second backup storage systems (i.e., two of the clients) and at least one user interface (i.e., central server 104), but exclude a third backup storage system (i.e., a third client), such that the central server 104 would not be authorized to receive information related to backup activities of the third backup storage system.

These contentions are unsupported by the prior art of record. First, contrary to the assertion in the Office Action, Satagopan does not disclose multi-homing or TCP/IP (an online
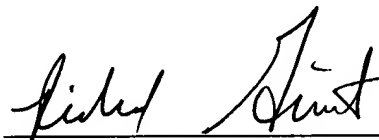
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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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